

Hon. Marsha J. Pechman

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

LINDA SCHUMACHER, *et al.*,

Plaintiffs,

v.

GOVERNOR JAY INSLEE, *et al.*,

Defendants.

Case No.: 3:18-cv-5535-MJP

**JOINT STATUS REPORT**

Pursuant to the Court's Minute Order of August 7, 2019, Dkt. No. 39, the parties submit this Joint Status Report.

On October 23, 2018, this Court granted the parties' Stipulated Motion to Stay Proceedings in this action. Dkt. No. 35 at p. 4. The grounds for the Stipulated Motion were that some claims of the plaintiffs and the putative class in this case overlap with the related case of *Routh v. Inslee*, No. 2:14-cv-02000-MJP, Ninth Cir. Case No. 16-35749. *Id.* at p. 2. On October 10, 2018, the parties to the *Routh* case reached a tentative class-wide settlement. *Id.* Other than the Court's ruling on the State Defendants' Motion for Summary Judgment, the parties here agreed to stay this action until such time as the *Schumacher* plaintiffs, or any of them, decided to opt out of the *Routh* settlement. *Id.*

On December 14, 2018, the Ninth Circuit granted the parties' motion to remand the *Routh* case to this Court. Ninth Cir. Dkt. No. 80. On January 8, 2019, the *Routh* plaintiffs filed a Fourth Amended Class Action Complaint solely against SEIU 775, adding two additional class

1 representatives, and limiting the claims asserted there to retrospective monetary relief. *Routh*  
2 Dkt. No. 227.

3 On January 25, 2019, the Court granted the State Defendants' Motion for Summary  
4 Judgment in this action. Dkt. No. 36.

5 Counsel for SEIU 775 in this action are also counsel for SEIU 775 in *Routh*. Due to the  
6 size of the settlement class in *Routh* and other logistical issues, it took much longer than initially  
7 expected for the parties to negotiate a final settlement agreement. The negotiation process  
8 required the input of the Settlement Administrator with respect to several matters.

9 The parties recently reached a final settlement agreement in *Routh* and signed the  
10 agreement just this week. In September the parties will be submitting a motion for preliminary  
11 approval of the *Routh* settlement. If the Court gives its preliminary approval to the *Routh*  
12 settlement and conditionally certifies the class, the Court will set a Notice Deadline for the  
13 plaintiffs in this action to decide whether to opt out of the *Routh* settlement.

14 Respectfully Submitted this 23<sup>rd</sup> day of August 2019.

15 FRANK FREED SUBIT & THOMAS LLP

16  
17 By: /s/ Michael C. Subit  
18 Michael C. Subit, WSBA # 29189  
19 Attorneys for Defendant SEIU 775  
20 705 Second Avenue, Suite 1200  
Seattle, WA 98104  
[msubit@frankfreed.com](mailto:msubit@frankfreed.com)

21 ALTSHULER BERZON LLP

22 By: /s/ Scott A. Kronland  
23 Scott A. Kronland  
24 177 Post St., Suite 300  
25 San Francisco, CA 94108  
415-421-7151  
skronland@altber.com

26 Attorneys for Defendant SEIU 775  
27  
28

1 By: /s/ James G. Abernathy (per electronic mail approval)

2 James G. Abernathy, WSBA #48801

3 c/o Freedom Foundation

4 P.O. Box 552

5 Olympia, WA 98507

6 [Jabernathy@freedomfoundation.com](mailto:Jabernathy@freedomfoundation.com)

7 Attorneys for Plaintiffs and the Class

**CERTIFICATE OF SERVICE**

I hereby certify that on August 23, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel/parties of record. I hereby certify that no other parties are to receive notice.

By: /s/ Michael C. Subit  
Michael C. Subit, WSBA # 29189  
Attorneys for Defendant SEIU 775  
FRANK FREED SUBIT & THOMAS LLP  
705 Second Avenue, Suite 1200  
Seattle, WA 98104  
[msubit@frankfreed.com](mailto:msubit@frankfreed.com)